



EL841129922US

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Patent Application No. 10/500,095

Applicant: BELLEZZA, Masimo

National Phase of PCT/IT02/00821

International Filing Date: December 23, 2002

TC/AU: None

Examiner: None

Docket No.: 229618 (Client Reference No. E-1479/02)

Customer No.: 23460

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**PETITION TO SECURE FILING DATE  
AS OF MAILING DATE VIA EXPRESS MAIL**

Dear Sir:

Applicant gratefully acknowledges receipt of the communication mailed on August 25, 2005, from the Office's PCT Division, stating that a response to the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office," mailed from the Office on October 1, 2004, was purportedly not received at the Office and is not of record in the application file.

**PETITION**

1. Applicant petitions that the instant application be accorded a filing date under 35 U.S.C. §371 of November 30, 2004.
2. November 30, 2004 is the date on which a "Response to Notification of Missing Requirements," including a signed inventor's Declaration in completion of the requirements for acceptance of the application under 35 U.S.C. §371, was

CERTIFICATION UNDER 37 CFR 1.10			
I hereby certify that this document and all accompanying documents are, on the date indicated below, being deposited with the U.S. Postal Service using "Express Mail" service in an envelope addressed in the same manner indicated on this document with Express Mail Label Number EL841129922US.			
Name (Print/Type)	Peter Phillips		
Signature	<i>Peter Phillips</i>	Date	September 2, 2005

BEST AVAILABLE COPY

deposited with the U.S. Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in a sealed envelope bearing Express Mail Label No. EV329735001US addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

### **SUBMISSIONS**

3. Submitted herewith are the documents listed below as evidence in support of applicant's petition:
  - A) A Statement Attesting to the Timely Deposit of Express Mail Based On Personal Knowledge, signed by Susan Matz on September 1, 2005.
  - B) A copy of Form PTO-1390 "Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371" signed by John B. Conklin on November 30, 2004, and including a "Certification Under 37 CFR 1.10" showing Express Mail Label No. EV329735001US, signed by Susan Matz on November 30, 2004.
  - C) A copy of the "Response to Notification of Missing Requirements" signed by John B. Conklin on November 30, 2004.
  - D) A copy of the "Combined Declaration for Utility or Design Patent Application and Power of Attorney" which contained the original signature of the inventor, Massimo Bellezza, signing on October 19, 2004.
  - E) A copy of the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" mailed from the Office on October 1, 2004.
  - F) A copy of the Return Receipt Postal Card listing all of the foregoing papers, showing by the stamp of the Office's PCT Division that the papers were received on November 30, 2004..
  - G) A copy of Express Mail Label No. EV329735001US, also bearing Attorney Docket No. 229618, addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, showing the "Date-In" of November 30, 2004, at the U.S. Postal Service.

In re Application of BELLEZZA  
Application No. 10/500,095

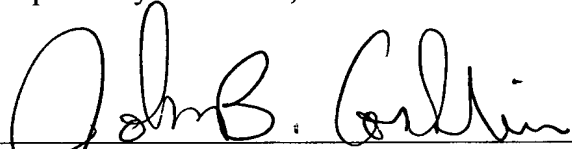
**PETITION FEE**

4. The petition fee set forth in 37 C.F.R. 1.17(f) of \$400.00 is paid as follows:  
Please charge the amount to the undersigned's Deposit Account No. 12-1216. A duplicate copy of this paper is enclosed for that purpose.  
If there are any additional fees owed in connection with this submission, please charge such additional fees, or credit any overpayments, to the undersigned's Deposit Account No. 12-1216.

**REQUEST FOR REFUND OF THE PETITION FEE**

5. Because no defect exists in applicant's previous submission, a refund of the petition fee is respectfully requested, to be paid by a credit to the undersigned's Deposit Account No. 12-1216.

Respectfully submitted,



John B. Conklin, Registration No. 30,369  
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(312) 616-5600 (telephone)  
(312) 616-5700 (facsimile)

Date: September 2, 2005



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Patent Application No. 10/500,095

Applicant: BELLEZZA, Masimo

National Phase of PCT/IT02/00821

International Filing Date: December 23, 2002

TC/AU: None

Examiner: None

Docket No.: 229618 (Client Reference No. E-1479/02)

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Mail Stop Petitions  
Commissioner for Patents  
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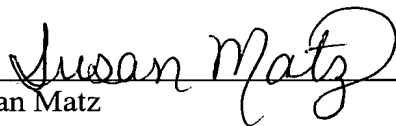
**STATEMENT ATTESTING TO THE TIMELY DEPOSIT OF EXPRESS MAIL  
BASED ON PERSONAL KNOWLEDGE**

Dear Sir:

1. My name is Susan Matz. I am employed by the firm of Leydig, Voit & Mayer, Ltd., as an assistant to John B. Conklin, patent attorney, for, among other responsibilities, filing patent application papers with the U.S. Patent and Trademark Office.
2. On November 30, 2004, I deposited a "Response to Notification of Missing Requirements" in the above-identified patent application with the U.S. Postal Service's "Express Mail Post Office to Addressee" service under 37 CFR 1.10 in a sealed envelope bearing Express Mail Label No. EV329735001US addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450. The "Response to Notification of Missing Requirements" that I so deposited comprised the following papers:
  - A) Form PTO-1390 "Transmittal Letter to the United States Designated/Elected Office Concerning a Filing Under 35 U.S.C. 371" signed by John B. Conklin and including a "Certification Under 37 CFR 1.10" signed by me.

In re Application of BELLEZZA  
Application No. 10/500,095

- B) A "Response to Notification of Missing Requirements" signed by John B. Conklin.
  - C) A "Combined Declaration for Utility or Design Patent Application and Power of Attorney" containing the original signature of the inventor, Massimo Bellezza, signing on October 19, 2004
  - D) A copy of the "Notification of Missing Requirements Under 35 U.S.C. 371 in the United States Designated/Elected Office" mailed from the Office on October 1, 2004.
  - E) A Return Receipt Postal Card listing all of the foregoing papers.
3. The "Certification Under 37 CFR 1.10" that appears as part of Form PTO-1390 "Transmittal Letter to the United States Designated/Elected Office," bears my signature. I signed the Certificate on November 30, 2004.

  
\_\_\_\_\_  
Susan Matz

Date: September 1, 2005